

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

DONALD J. TRUMP FOR PRESIDENT,  
INC., REPUBLICAN NATIONAL  
COMMITTEE, NEW JERSEY  
REPUBLICAN STATE COMMITTEE,

Plaintiffs,

v.

TAHESHA WAY, in her official capacity  
as Secretary of State of New Jersey,

Defendant.

No. 3:20-cv-10753-MAS-ZNQ

**[PROPOSED] ORDER**

It is hereby ORDERED that New Jersey law A4475 is hereby preliminarily ENJOINED during the pendency of this action to the extent that it allows (1) election officials to begin canvassing ballots 10 days before the November 3 Election Day and (2) election officials to canvass ballots received up to 48 hours after Election Day that contain no postmark. *See* N.J. Stat. §19:63-31(m)). Those two provisions are likely preempted by trio of statues that Congress passed to create a single, uniform Election Day, *see* 2 U.S.C. §§1, 7; 3 U.S.C. §1, and Plaintiffs will be irreparably harmed if they are not enjoined. Moreover, the public interest lies with Plaintiffs. *See Berne Corp. v. Gov't of Virgin Islands*, 120 F. Supp. 2d 528, 537 (D.V.I. 2000) (“[I]t is undeniable that the public interest weighs in favor of enjoining the government from violating federal law.”); *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014) (“It is clear that it would not be equitable or in the public’s interest to allow the state ... to violate the requirements of federal law, especially when there are no adequate remedies available.”).

Dated: September/October \_\_\_, 2020

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The Honorable Michael A. Shipp  
District Court Judge for the District of New Jersey